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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/629,816      | 07/29/2003  | Roger S. Cannon      | 2002-0381.01        | 9033             |

21972 7590 10/18/2005

LEXMARK INTERNATIONAL, INC.  
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EXAMINER

PHAN, JAMES

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**DETAILED ACTION**

***Election/Restrictions***

Applicant's election of the species 1 including claim 9 in the reply filed on 7/28/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 10 and 19-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 7/29/03 has been considered by the examiner.

***Additional Prior Art Cited***

Cannon et al discloses a multi-beam scanning device having resonant oscillating device for scanning a plurality of surfaces to be scanned.

***Claim Objections***

Claim 5 is objected to because of the following informalities: "the second" in phrase ""wherein the second, third and fourth distances" (lines 3-4) lacks a proper antecedent basis. Appropriate correction is required.

***Allowable Subject Matter***

Claims 1-18 are allowed. Claim 10 has been rejoined by the examiner.

The following is an examiner's statement of reasons for allowance: none of the cited references teaches or suggests an optical scanning system having a second

magnetic field for interacting with the first magnetic field to provide torque to the resonant oscillating device for scanning the first and second reflected scan beams across a surface to provide first and second scan lines on the surface substantially simultaneously as the resonant oscillating device oscillates under the influence of the first and second magnetic fields (claim 1, lines 9-13) in combination with the remaining features of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

This application is in condition for allowance except for the following formal matters:

The objection to claim 1 discussed above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (571) 272-2317. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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